

9 VAC 25-110. VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM (VPDES) GENERAL PERMIT FOR DOMESTIC SEWAGE DISCHARGES OF LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY.

[Adopted: September 27, 2005 - Effective: November 30, 2005]

9 VAC 25-110-10. Definitions.

The words and terms used in this chapter shall have the same meanings as given in the State Water Control Law, Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia and the VPDES Permit Regulation (9 VAC 25-31), unless the context clearly indicates otherwise, except that for the purposes of this chapter:

"DEQ" means the Virginia Department of Environmental Quality or the department.

"Domestic sewage" means the water-carried human wastes from residences, buildings, industrial establishments or other places.

9 VAC 25-110-20. Purpose; delegation of authority; effective date of permit.

A. This general permit regulation governs domestic sewage discharges to surface waters from treatment works with a design discharge flow of less than or equal to 1,000 gallons per day on a monthly average.

B. The Director of the Department of Environmental Quality, or his designee, may perform any act of the board provided under this chapter, except as limited by § 62.1-44.14 of the Code of Virginia.

C. This general VPDES permit will become effective on August 2, 2006, and it expires on August 1, 2011. With respect to a particular facility, this general permit shall become effective upon the facility owner's compliance with the provisions of 9 VAC 25-110-60 and receipt of a copy of the general VPDES permit.

9 VAC 25-110-30. (Repealed)

9 VAC 25-110-40. (Repealed)

9 VAC 25-110-50. (Repealed)

9 VAC 25-110-60. Authorization to discharge.

A. Any owner of a treatment works governed by this general permit is hereby authorized to discharge treated domestic sewage to surface waters of the Commonwealth of Virginia provided that the owner has filed with the department the registration statement described in 9 VAC 25-110-70, has complied with the effluent limitations and other requirements of 9 VAC 25-110-80, and has complied with all the following conditions:

1. The owner shall not have been required to obtain an individual VPDES permit as may be required in 9 VAC 25-31-170 B;
2. The owner shall not be authorized by this general permit to discharge to surface waters specifically named in other board regulations or policies that prohibit such discharges;
3. The owner shall not be authorized by this general permit to discharge to surface waters where there are central sewage facilities reasonably available, as determined by the department; and
4. The owner of any proposed treatment works or any treatment works that has not previously been issued a valid VPDES permit shall have applied to the Virginia Department of Health for an onsite sewage disposal system permit and the Virginia Department of Health must have determined that there is no technology available to serve that parcel of land with an onsite system.

B. Receipt of this general VPDES permit does not relieve any owner of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation, including applicable regulations of the Virginia Department of Health adopted pursuant to §§ 32.1-163 and 32.1-164 of the Code of Virginia and, for any owner of sewage treatment works that serve nonsingle family dwellings, the Sewage Collection and Treatment Regulations (9 VAC 25-790) adopted by the State Water Control Board pursuant to § 62.1-44.18 of the Code of Virginia.

9 VAC 25-110-70. Registration statement.

A. Deadlines for submitting registration statement. The owner shall file a complete General VPDES Permit Registration Statement, which shall serve as a notice of intent to be covered under the general

VPDES permit for domestic sewage discharges of less than or equal to 1,000 gallons per day in accordance with this chapter.

1. New facilities. Any owner proposing a new discharge shall file a complete registration statement with the department at least 60 days prior to the date planned for commencing operation of the treatment works.

2. Existing facilities.

a. Any owner of an existing treatment works covered by an individual VPDES permit who is proposing to be covered by this general permit shall file a complete registration statement at least 180 days prior to the expiration date of the individual VPDES permit.

b. Any owner of an existing treatment works that was authorized to discharge under the general permit issued in 2001 shall have filed a complete registration statement prior to June 2, 2006.

c. Any owner of an existing treatment works not currently covered by a VPDES permit who is proposing to be covered by this general permit shall file a complete registration statement by August 2, 2006.

3. New owners of existing facilities. Any new owner of an existing facility that is covered by this general permit must submit a registration statement or a "Change of Ownership" form within 30 days of the ownership change.

4. Late notifications. Any owner of a new or existing facility is not precluded from submitting a registration statement after the applicable dates provided in subdivisions 1, 2 and 3 of this subsection. If a late registration statement is submitted, the owner is only authorized for discharges that occur after permit coverage is granted. The department reserves the right to take appropriate enforcement actions for any unpermitted discharges.

B. Registration statement. The registration statement shall contain the following information:

1. Name and location of the facility/residence.

2. Name, mailing address, and work and home telephone numbers of the facility owner. Indicate if the owner is or will be the occupant of the facility.

3. Name of the water body receiving the discharge. Indicate if the discharge point is on a stream that usually flows during dry weather.

4. The amount of discharge, in gallons per day, on a monthly average.

5. A description of any pollutants, other than domestic sewage, to be discharged.

6. If there are central sewage facilities available to serve this facility.

7. If the facility currently has a VPDES permit. Provide the permit number, if applicable. Indicate if the facility has been built and begun discharge.

8. For the owner of any proposed treatment works or any treatment works that has not previously been issued a valid VPDES permit:

a. A topographic map that indicates the discharge point, the location of the property to be served by the treatment works, and the location of any wells, springs, and other water bodies, or downstream residences within 1/2 mile downstream from the discharge;

b. A site diagram of the existing or proposed sewage treatment works; and including the property boundaries, the location of the facility/residence to be served, the individual sewage treatment units, the receiving water body, and the discharge line location; and

c. A notification from the Virginia Department of Health that an onsite sewage disposal system permit has been applied for and that the Virginia Department of Health has determined that there is no technology available to serve that parcel of land with an onsite system.

9. For the owner of any existing treatment works, indicate if a valid maintenance contract has been obtained, or if an exception to the maintenance contract has been requested and granted in accordance with subdivision 10 of this subsection. Provide the name of the contract provider and the expiration date of the current contract, if applicable. A valid maintenance contract shall provide for the following:

a. Performance of all testing required in accordance with 9 VAC 25-110-80 Part I A and periodic inspections of the treatment works;

b. A written notification to the owner within 24 hours whenever the contract provider becomes aware that maintenance or repair of the owner's treatment works is necessary. The owner is responsible for prompt maintenance and repair of the treatment works including all costs associated with the maintenance or repair. Immediately upon receipt of notice that repair or maintenance is required, the owner shall begin emergency pump and haul of all sewage generated in the dwelling if full and complete repairs cannot be accomplished within 48 hours.

c. A log of the following items will be maintained by the contract provider:

- (1) Results of all tests and sampling;
- (2) Alarm activation incidents;
- (3) Maintenance, corrective, or repair activities performed;
- (4) Recommended repair or replacement items; and
- (5) Copies of all reports prepared by the contract provider.

d. An inspection will be conducted by the contract provider within 48 hours after notification by the owner that a problem may be occurring; and

e. A minimum of 24 months of consecutive coverage under the maintenance contract.

10. The owner of any existing treatment works may request an exception to the maintenance contract requirement by submitting an operation and maintenance plan to the department for review and approval. If an operation and maintenance plan has been approved by the department previously and remains current and complete, then it does not need to be resubmitted. In such cases, provide the date of approval of the operation and maintenance plan and identify any changes have been made to the approved operation and maintenance plan. At a minimum, the operation and maintenance plan shall contain the following information:

a. An up-to-date operation and maintenance manual for the treatment works;

b. A log of maintenance performed on the plant including, but not limited to, the following:

- (1) The date and amount of disinfection chemicals added to the chlorinator.
- (2) If dechlorination is used, the date and amount of any dechlorination chemicals that are added.
- (3) The date and time of equipment failure(s) and the date and time the equipment was restored to service.
- (4) The date and approximate volume of sludge removed;

c. Dated receipts for chemicals purchased, equipment purchased, and maintenance performed; and

d. An effluent monitoring plan in accordance with the requirements of 9 VAC 25-110-80 Part I A, including all sample collection, preservation, and analysis procedures.

11. The following certification: "I hereby grant to duly authorized agents of the Department of Environmental Quality, upon presentation of credentials, permission to enter the property where the treatment works is located for the purpose of determining compliance with or the suitability of coverage under the General Permit. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

The registration statement shall be signed in accordance with the requirements of 9 VAC 25-31-110.

9 VAC 25-110-80. General permit.

Any owner whose registration statement is accepted by the board will receive the following permit and shall comply with the requirements contained therein and be subject to all requirements of 9 VAC 25-31-170.

General Permit No.: VAG40

Effective Date: August 2, 2006

Expiration Date: August 1, 2011

GENERAL PERMIT FOR DOMESTIC SEWAGE DISCHARGES OF LESS THAN OR EQUAL TO 1,000 GALLONS PER DAY

AUTHORIZATION TO DISCHARGE UNDER THE VIRGINIA POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE VIRGINIA STATE WATER CONTROL LAW

In compliance with the provisions of the Clean Water Act (33 USC § 1251 et seq.), as amended, and pursuant to the State Water Control Law and regulations adopted pursuant thereto, owners of treatment works with domestic sewage discharges of a design flow of less than or equal to 1,000 gallons per day on a monthly average are authorized to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those waters specifically named in board regulations or policies that prohibit such discharges.

The authorized discharge shall be in accordance with this cover page, Part I-Effluent Limitations, Monitoring Requirements and Special Conditions, and Part II-Conditions Applicable to All VPDES Permits, as set forth herein.

Part I

Effluent Limitations, Monitoring Requirements and Special Conditions

A. Effluent limitations and monitoring requirements - receiving waters where the 7Q10 flows are less than 0.2 MGD.

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall number 001 to receiving waters where the 7Q10 flows are less than 0.2 MGD.

The discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD) *	NA	NL	1/year	Estimate
BOD ₅	NA	30 mg/l	1/year	Grab
Total Suspended Solids	NA	30 mg/l	1/year	Grab
Total Residual Chlorine **				
After contact tank	1.0 mg/l	NA	1/year	Grab
Final effluent	NA	0.016 mg/l	1/year	Grab
E. coli ***	NA	235/100 ml	1/year	Grab
enterococci ****	NA	104/100 ml	1/year	Grab
Fecal Coliform Bacteria *****	NA	200/100 ml	1/year	Grab
pH (standard units)	6.0	9.0	1/year	Grab
Dissolved Oxygen	5.0 mg/l	NA	1/year	Grab
NL = No Limitation, monitoring required	NA = Not Applicable			

* The design flow of this treatment facility is less than or equal to 1,000 gallons per day.

** Applies only when chlorine is used for disinfection and the discharge is in freshwater. The quantification level of chlorine shall be 0.1 mg/l.

*** Applies only when methods other than chlorine are used for disinfection and the discharge is in freshwater. Continuous disinfection capability shall be provided in order to maintain this effluent limit.

**** Applies only when the discharge is in saltwater or transition zone. Continuous disinfection capability shall be provided in order to maintain this effluent limit.

***** Applies only when the discharge is in shellfish water. Continuous disinfection capability shall be provided in order to maintain this effluent limit.

2. All monitoring data required by Part I A 1 shall be maintained on site in accordance with Part II B. Reporting of results to DEQ is not required; however, the monitoring results shall be made available to DEQ or Virginia Department of Health personnel upon request.

3. 40 CFR 133.102(c) requires that the 30-day average percent removal for BOD₅ and total suspended solids shall not be less than 85%.

Part I Effluent Limitations Monitoring Requirements and Special Conditions

A. Effluent limitations and monitoring requirements - receiving waters where the 7Q10 flows are equal to or greater than 0.2 MGD.

1. During the period beginning with the permit's effective date and lasting until the permit's expiration date, the permittee is authorized to discharge from outfall number 001 to receiving waters where the 7Q10 flows are equal to or greater than 0.2 MGD.

The discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTICS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS	
	Instantaneous Minimum	Instantaneous Maximum	Frequency	Sample Type
Flow (MGD) *	NA	NL	1/year	Estimate
BOD ₅	NA	30 mg/1	1/year	Grab
Total Suspended Solids	NA	30 mg/1	1/year	Grab
Total Residual Chlorine **				
Final effluent	1.0 mg/1	2.0 mg/1	1/year	Grab
E. coli ***	NA	235/100 ml	1/year	Grab
enterococci ****	NA	104/100 ml	1/year	Grab
Fecal Coliform Bacteria *****	NA	200/100 ml	1/year	Grab
pH (standard units)	6.0	9.0	1/year	Grab
NL = No Limitation, monitoring required	NA = Not Applicable			

* The design flow of this treatment facility is less than or equal to 1,000 gallons per day.

** Applies only when chlorine is used for disinfection and the discharge is in freshwater.

*** Applies only when methods other than chlorine are used for disinfection and the discharge is in freshwater. Continuous disinfection capability shall be provided in order to maintain this effluent limit.

**** Applies only when the discharge is in saltwater or transition zone. Continuous disinfection capability shall be provided in order to maintain this effluent limit.

***** Applies only when the discharge is in shellfish water. Continuous disinfection capability shall be provided in order to maintain this effluent limit.

2. All monitoring data required by Part I A 1 shall be maintained on site in accordance with Part II B. Reporting of results to DEQ is not required; however, the monitoring results shall be made available to DEQ or Virginia Department of Health personnel upon request.

3. 40 CFR 133.102(c) requires that the 30-day average percent removal for BOD₅ and total suspended solids shall not be less than 85%.

B. Special conditions.

1. There shall be no discharge of floating solids or visible foam in other than trace amounts.

2. Schedule of compliance. This compliance schedule shall be allowed only for treatment works that were existing as of their dates of coverage under this general permit. Treatment works constructed after their dates of coverage are expected to comply with the limitations and conditions of the general permit from the date of operation. For existing facilities that require upgrades, the permittee shall install

equipment or unit processes or make other physical modifications to the treatment works that are necessary to achieve compliance with the limitations and conditions of this permit within 180 days of the date of coverage under the permit. The modifications shall not be initiated until written authorization is first provided by the Virginia Department of Health or DEQ. The permittee shall submit to the DEQ Regional Office a written notice certifying completion of any necessary modifications on or before the 180-day compliance deadline. If the permittee is unable to meet the deadline, a written notice shall be submitted that shall include the cause of the delay, any actions taken to eliminate the delay, and the projected date for compliance.

3. Maintenance contract. For existing treatment works, the permittee shall maintain a maintenance contract during the permit term, unless an exception to the maintenance contract has been requested and granted in accordance with Part I B 4. A copy of a valid maintenance contract shall be maintained at the site of treatment works and made available to DEQ or to the Virginia Department of Health for examination upon request. For proposed treatment works, the permittee shall submit a copy of a valid maintenance contract to DEQ prior to operation of the treatment works unless an exception to the maintenance contract has been requested and granted in accordance with Part I B 4. The maintenance contract shall provide for the following:

- a. Performance of all testing required in accordance with Part I A and periodic inspections of the treatment works;
- b. A written notification to the owner within 24 hours whenever the contract provider becomes aware that maintenance or repair of the owner's treatment works is necessary. The owner is responsible for prompt maintenance and repair of the treatment works including all costs associated with the maintenance or repair. Immediately upon receipt of notice that repair or maintenance is required, the owner shall begin emergency pump and haul of all sewage generated in the dwelling if full and complete repairs cannot be accomplished within 48 hours;
- c. A log of the following items will be maintained by the contract provider:
 - (1) Results of all tests and sampling;
 - (2) Alarm activation incidents;
 - (3) Maintenance, corrective, or repair activities performed;
 - (4) Recommended repair or replacement items; and
 - (5) Copies of all reports prepared by the contract provider;
- d. An inspection will be conducted by the contract provider within 48 hours after notification by the owner that a problem may be occurring; and
- e. A minimum of 24 months of consecutive coverage under the maintenance contract.

4. Operation and maintenance plan. The owner of any treatment works may request an exception to the maintenance contract requirement by submitting an operation and maintenance plan to DEQ for review and approval. At a minimum, the operation and maintenance plan shall contain the following information:

- a. An up-to-date operation and maintenance manual for the treatment works;
- b. A log of maintenance performed on the plant including, but not limited to, the following:
 - (1) The date and amount of disinfection chemicals added to the chlorinator.
 - (2) If dechlorination is used, the date and amount of any dechlorination chemicals that are added.
 - (3) The date and time of equipment failure(s) and the date and time the equipment was restored to service.
 - (4) The date and approximate volume of sludge removed;
- c. Dated receipts for chemicals purchased, equipment purchased, and maintenance performed; and
- d. An effluent monitoring plan in accordance with Part I A, including all sample collection, preservation, and analysis procedures.

Should the permittee fail to implement the approved operation and maintenance plan, or if there are violations of effluent limitations, DEQ reserves the right to require the permittee to obtain a maintenance contract.

Part II
Conditions Applicable to all VPDES Permits

A. Monitoring.

1. Samples and measurements taken as required by this permit shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

B. Records.

1. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) and time(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
2. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the registration statement for this permit, for a period of at least three years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the board.

C. Reporting monitoring results.

1. The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office.
2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR) or on forms provided, approved or specified by the department.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted on the DMR or reporting form specified by the department.
4. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

D. Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information that the board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the State Water Control Law. The permittee shall also furnish to the department, upon request, copies of records required to be kept by this permit.

E. Compliance schedule reports. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Unauthorized discharges. Except in compliance with this permit, or another permit issued by the board, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or
2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, to animal or aquatic life, to the use of such waters for domestic or industrial consumption, for recreation, or for other uses.

G. Reports of unauthorized discharges. Any permittee who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters in violation of Part II F, or who discharges or causes or allows a discharge that may reasonably be expected to enter state waters in violation of Part II F, shall notify the department of the discharge immediately upon discovery of the discharge, but in no case later than 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the department within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and
8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the department under the immediate reporting requirements of other regulations are exempted from this requirement.

H. Reports of unusual or extraordinary discharges. If any unusual or extraordinary discharge including a bypass or upset should occur from a treatment works and the discharge enters or could be expected to enter state waters, the permittee shall promptly notify, in no case later than 24 hours, the department by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse affects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the department within five days of discovery of the discharge in accordance with Part II I 2. Unusual and extraordinary discharges include, but are not limited to, any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the treatment works; and
4. Flooding or other acts of nature.

I. Reports of noncompliance. The permittee shall report any noncompliance that may adversely affect state waters or may endanger public health.

1. An oral report shall be provided within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information that shall be reported within 24 hours under this paragraph:

- a. Any unanticipated bypass; and
- b. Any upset that causes a discharge to surface waters.

2. A written report shall be submitted within five days and shall contain:

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- c. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The board may waive the written report on a case-by-case basis for reports of noncompliance under Part II I if the oral report has been received within 24 hours and no adverse impact on state waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Part II I 1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II I 2.

NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the department's regional office. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Management maintains a 24-hour telephone service at 1-800-468-8892.

J. Notice of planned changes.

1. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The permittee plans alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(1) After promulgation of standards of performance under Section 306 of Clean Water Act that are applicable to such source; or

(2) After proposal of standards of performance in accordance with Section 306 of Clean Water Act that are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal;

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations nor to notification requirements specified elsewhere in this permit; or

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

K. Signatory requirements.

1. Registration statement. All registration statements shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or other actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency

includes: (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. Reports, etc. All reports required by permits, and other information requested by the board shall be signed by a person described in Part II K 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in Part II K 1;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position; and

c. The written authorization is submitted to the department.

3. Changes to authorization. If an authorization under Part II K 2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II K 2 shall be submitted to the department prior to or together with any reports, or information to be signed by an authorized representative.

4. Certification. Any person signing a document under Part II K 1 or 2 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

L. Duty to comply. The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the State Water Control Law and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the State Water Control Law but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

M. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a new registration statement at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the board. The board shall not grant permission for registration statements to be submitted later than the expiration date of the existing permit.

N. Effect of a permit. This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

O. State law. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to, any other state law or regulation or under authority preserved by Section 510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II U), and "upset" (Part II V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

P. Oil and hazardous substance liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law.

Q. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by

the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also include effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

R. Disposal of solids or sludges. Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering state waters.

S. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

T. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

U. Bypass.

1. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provisions of Parts II U 2 and 3.

2. Notice.

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible, at least 10 days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II I.

3. Prohibition of bypass.

a. Bypass is prohibited, and the board may take enforcement action against a permittee for bypass, unless:

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under Part II U 2.

b. The board may approve an anticipated bypass after considering its adverse effects if the board determines that it will meet the three conditions listed above in Part II U 3 a.

V. Upset.

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.

2. A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required in Part II I; and

d. The permittee complied with any remedial measures required under Part II S.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

W. Inspection and entry.

The permittee shall allow the director, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the State Water Control Law, any substances or parameters at any location.

For purposes of this section, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

X. Permit actions.

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, or notification of planned changes or anticipated noncompliance does not stay any permit condition.

Y. Transfer of permits.

1. Permits are not transferable to any person except after notice to the department. Except as provided in Part II Y 2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the State Water Control Law and the Clean Water Act.
2. As an alternative to transfers under Part II Y 1, this permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the department at least 30 days in advance of the proposed transfer of the title to the facility or property;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II Y 2 b.

Z. Severability.

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.